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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/892,350

06/26/2001

Carrel W. Ewing

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08/17/2006

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EXAMINER

CHANKONG, DOHM

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/892,350

Applicant(s)

EWING ET AL.

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

- 1> This action is in response to Applicant's remarks, filed 7.17.2006. Claims 1-13 are presented for further examination.
- 2> This is a final rejection.

### *Response to Arguments*

#### I. Response to Applicant's arguments

Applicant argues in substance that: (A) Nierlich does not disclose a user configuration file or exporting and importing a user configuration file; and (B) there is no motivation to combine Nierlich and Karanam. Applicant argues that Nierlich merely discloses a set of instructions received from a management device but does not describe anything related to a configuration file. Applicant's arguments have been considered but are not persuasive for the following reasons.

#### A. Nierlich discloses a user configuration file

Nierlich expressly discloses: "[i]f the Configuration File attributes differ from the stored attributes, the E1-20004 downloads an updated Configuration File that preferably includes the E1-2000 callback frequency..." [column 5 «lines 54-57»]. Nierlich also expressly discloses: "The E1-2000 4 receives a set of instructions from the management device 10 when it is selected by an ESP to curtail energy consumption. These instructions can include its callback intervals...and controlling the analog and relay controlled ("digital") voltage channel." [column 6 «line 66» to column 7 «line 4»]. Nierlich is directed towards a system

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that provides end-user customers and energy providers with manual, automatic and hybrid control of load reduction processes that optimize energy distribution and energy use [column 2 «lines 51-61»].

Nierlich plainly discloses that the power-distribution apparatus can download a configuration file with instructions to control the power distribution to connected devices. The instructions configure Nierlich's energy distribution device. The user configuration file and instructions are downloaded (imported) from an access provider to the Nierlich's energy device whereby the configuration file controls and affects the operation of the energy distribution device (Er-2000).

B. Karanam teaches an exporting feature which would provide a clear expected benefit to Nierlich's system

The strongest rationale for combining references is a recognition, expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by their combination. In re Sernaker, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983).

Here, Karanam's teaching provides a clear expected benefit to Nierlich's system by providing an exporting capability in Nierlich's communication interface. It should be noted here that it is well known in the art that a communication interface over a network such as one taught by Nierlich is traditionally a two-way street, providing both download and upload capability.

Karanam specifically teachings that a configuration file may be exported from a

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power apparatus to the remote user system, which allows a user to edit the user configuration file [column 5 «lines 1-39» | claims 19 and 20]. Thus, it would have been obvious to modify Nierlich to include Karanam's export capability into Nierlich's communication interfaces. One would have been modified to provide such a combination to enable Nierlich's remote user with the ability to retrieve files from the power distribution apparatus and edit them [see Karanam, abstract].

## II. Conclusion

For the foregoing reasons, Applicant's arguments are not persuasive. The claim rejections set forth in the previous Office Action are maintained.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4> Claims 1 and 3-13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Nierlich et al, U.S Patent No. 6,519,509 ["Nierlich"] in view of Karanam et al, U.S Patent No. 6,266,713 ["Karanam"].

5> Claim 2 is rejected under 35 U.S.C § 103(a) as being unpatentable over Nierlich and Karanam, in further view of Potega, U.S Patent No. 6,459,175.

6> Claims 1 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Potega, in view of Nierlich, in further view of Karanam.

#### *Conclusion*

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

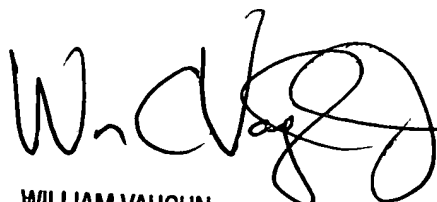
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC

  
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